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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,675	11/18/2003	Hiroki Taoka	82478-2300	4812

21611 7590 08/28/2008

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EXAMINER	
HAJNIK, DANIEL F	

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
08/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/715,675	**Applicant(s)** TAOKA ET AL.	
	Examiner DANIEL F. HAJNIK	**Art Unit** 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *4* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Kee M Tung/
Supervisory Patent Examiner, Art Unit 2628

/Daniel Hajnik/
Patent Examiner AU 2628

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues:
However, analyzing to determine if there will be "color leakage" into a neighboring graph is not the same as determining whether there is a "color drift" by calculating a dissimilarity level of the target sub-pixel to the one or more adjacent sub-pixels from the acquired color values ... Thus, the "color leakage" are merely alpha values influenced by adjacent pixels and not "color drift" as determined by dissimilarity levels. (top half of page 19 in filed response).

The examiner respectfully maintains that the rejections are proper because the color leakage does deal with dissimilarity levels. If one were to argue that the color leakage occurs without concern for color dissimilarity levels, one would not notice the color leakage at all between adjacent pixels of similar color because adjacent neighboring pixels would look identical. The concept of color leakage is referred to in Betrisey in the context of neighboring image pixels (col 15, lines 24-32), for example, as pointed out by applicant in figure 9 between the "o" glyph in 903 and the "g" glyph in 904. The color leakage that occurs between these two glyphs has to based, at least in part, upon the concept of color dissimilarity levels. For example, if one had in figure 9 two adjacent pixels of the same color and intensity value, color leakage would not occur between these pixels. For example, portions of the border between the glyphs in 903 and 904 where there is contained the same background color, no color leakage occurs (col 15, lines 28-32). Thus, any determination of color leakage would have to also involve color dissimilarities. The office action acknowledges that Betrisey does not teach a determination of the largest dissimilarity color level as claimed in claim 2, and thus relies upon further references to teach these concepts. As far as the actual analysis process for determining color dissimilarities in claim 1, the claim actually states "by assigning weights, which are determined in accordance with the dissimilarity level". This actual claimed concept in claim 1 of "by assigning weights, which are determined in accordance with the dissimilarity level" leaves many interpretations as to what the actual relationship is between the weights and the dissimilarity level. Applicant's arguments appear to based upon the fact that there is a direct linear correspondence in the claim 1 between the size of the weights and amount of the dissimilarity level (i.e. at the bottom of page 22 and the top half of page 23). However, this relationship is not explicitly claimed in claim 1 as argued.

Applicant remarks:
In the present invention, "color drifts" can be determined by calculating the dissimilarity level using a distance such as the Euclidean square distance in a color space including a values ... The color space distance calculating unit 52 calculates the Euclidean square distance for each combination of the five sub-pixels adjacent to aligned in the above-shown order with a subpixel at coordinates (Xl ,yf) at the center, using the following equations:
(bottom of page 19 and top of page 20 in filed response).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the actual Euclidean squared distance equations listed on page 20 in the remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's additional arguments have all been fully considered but are not considered persuasive at this time. .